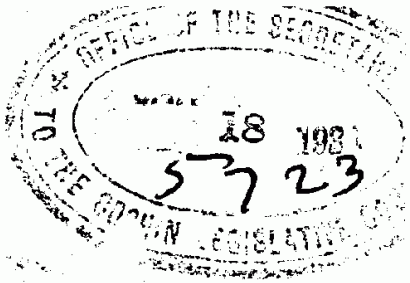

COCHIN
LEGISLATIVE COUNCIL PROCEEDINGS.

(OFFICIAL REPORT OF THE SECOND LEGISLATIVE SESSION OF THE FOURTH COCHIN LEGISLATIVE COUNCIL.)

Vol. IV—1112.

COCHIN LEGISLATIVE COUNCIL.

Monday,

23rd November, 1936.
8th Vrischigam, 1112.

The Council met in the Council Hall, Ernakulam, at Eleven of the Clock with the Hon'ble the President (Sir Shanmukham Chetty, K. C. I. E.) in the Chair.

Mr. C. P. Lonappan was absent.

Questions and Answers.

The Cochin Debt Conciliation Bill—consideration of.

1. **Mr. K. M. Ibrahim** *(Cranganur).*—Will the Government be pleased to state:—

(a) whether the Hon'ble mover of the Cochin Debt Conciliation Bill had given notice of his intention to transact the further business on the Bill before the Budget Session, 1111;

(b) why the business did not appear in the Agenda of the said meeting;

(c) whether they intend to invoke the emergency powers vested in them by section 15 of the Council Regulation to enforce the provisions of the Bill in view of the delay caused in the transaction of the Bill and of their immense public importance?

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Mr. T. S. Narayana Ayyar *(Secretary to Government).*—(a) Yes.

(b) The Bill, being of a controversial nature, required careful consideration and so it was not deemed proper to rush it through.

(c) No.

Mr. K. M. Ibrahim *(Cranganur).*—Under what provision of the Council Regulation, the Rules and the Standing Orders was this Bill one reading of which was already effected in the Council held in abeyance?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—I do not think it was held in abeyance at all.

Mr. K. M. Ibrahim *(Cranganur)*—When the notice of a motion for the next stage in the transaction of the business of this bill was given, was it not incumbent on the part of the Government to place it before the Council?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—I think it will be better to mention the progress of this Bill in the hands of Government and the Select Committee. The Bill was introduced in the Council and referred to a Select Committee on 13—2—1936. The Select Committee was to report in two months. Subsequently there was a request for extension of the period. The Report of the majority was ready on 12—6—1936, and the dissenting minute of another Member on 22—6—1936. These reports were forwarded to the Council Secretary by the Chairman on 25—6—1936. There was still another Member (the Hon'ble Member for Cranganur) who had not submitted his report. He was reminded the very next day. His report was received only on 8—7—1936. The notice of the Hon'ble Mover to consider this Bill in the Budget Session was received on the 10th of July. The Bill required republication as recommended by the Select Committee and the next Gazette day was 17th July. The Budget Session of the Council began on 27—7—1936 and since under S. O. 35 twelve days' previous publication was necessary, the Bill could not be taken up during the Budget Session.

Mr. K. M. Ibrahim *(Cranganur).*—Am I to take it from the long history that the Bill could not be taken up before the Council met?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—The Bill was published; but it was only ten days before the budget session.

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Mr. K. M. Ibrahim *(Cranganur)*.—Beyond the wording of the rule is there any other objection?

Mr. T. S. Narayana Ayyar *(Secretary to Government)*.—There are three reasons. First, during the budget session legislative business of this nature is not ordinarily taken up. Secondly, the rules require that the Bill should be published twelve days before the meeting. In this case the Bill was published only on the 17th July. Thirdly, the Bill is of a controversial nature. Having regard to the position taken up by Government at the time the Bill was introduced in the Council, Government wanted time to reconsider their position in the light of the progress of similar legislation in places outside the State. The amendments made by the Select Committee also required careful examination.

Mr. K. M. Ibrahim *(Cranganur)*.—If it was the shortage of twelve days why was not that answer given?

Mr. T. S. Narayana Ayyar *(Secretary to Government)*.—The last is the more important reason. I mentioned the other two in passing.

Mr. K. M. Ibrahim *(Cranganur)*.— According to the Hon'ble Member am I to take it that no legislative business was ever before transacted during the Budget Session?

Mr. T. S. Narayana Ayyar *(Secretary to Government)*.—I never said that. I said 'legislative business of this kind'.

Mr. K. M. Ibrahim *(Cranganur)*.—Is there any rule that agricultural bills should not be transacted during the budget session?

Mr. T. S. Narayana Ayyar *(Secretary to Government)*.—There is no express provision to that effect.

Mr. K. M. Ibrahim *(Cranganur)* —This Bill is of an extraordinary kind.

Mr. T. S. Narayana Ayyar *(Secretary to Government)*.—Extraordinary in the sense that Government wanted to bestow more attention than in the case of other ordinary legislation.

2. **Mr. K. M. Kunhi Moideen** *(Kattur)*.—Will the Government state:—

(a) whether the mover of 'The Debt Conciliation Bill' had given notice to include the consideration of the Bill' in the Agenda of the Budget Session;

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(b) why it was omitted from the Agenda;

(c) whether they would use their emergency powers under section 15 of the Council Regulation to enforce the provisions of the Bill in view of the delay already caused?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—(a), (b) and (c). Please see answer to Question No. 1.

Mr. K. M. Ibrahim *(Cranganur).*—Will the Hon'ble Member give one example of a non-controversial measure? It is a most obvious measure.

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—It is a matter of opinion.

The Cochin Factories Bill—consideration of.

3. **Mr. K. M. Ibrahim** *(Cranganur).*—Will the Government state the reasons why no further business, connected with the Cochin Factory Bill, was transacted in the last meeting of the Council (Budget)?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—Legislative business of the kind is ordinarily transacted only during Legislative Sessions.

Mr. K. M. Ibrahim *(Cranganur).*—My question was whether ever before in the history of this very same Legislative Council, legislative measures were not transacted during budget sessions?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—The answer contains a qualification, Sir. I know that legislative measures were considered during the last budget session, e.g., the Income-tax Regulation Amendment Bill and the new Municipal Bill. In the case of the Income tax Regulation Amendment Bill the budget was prepared on the basis of these amendments, so that along with the passing of the Budget the Bill had also to be passed. With regard to the new Municipal Bill the urgency was on account of the Proclamation extending the life of the Councils, so that the Bill had to be referred to a Select Committee and passed into law before the period of the Proclamation expired.

Mr. K. T. Mathew *(Kunnamkulam).*—Is this answer based on any rule or Standing Order and if so what is the provision?

Mr. T. S. Narayana Ayyar.—*(Secretary to Government)*—It is only the practice. During the budget session only the

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